

### REMARKS

This Amendment After Final is in response to the Final Office Action dated November 14, 2003. Claims 1, 4-8, 10-16, 18, 19 and 21-28 are pending in this application. By this Amendment, Applicants have amended claims 1, 10, 21, 26, 27 and 28. The amendments to these claims were not made for the purpose of distinguishing the prior art of record, but rather, were made for the purpose of clarifying the claimed invention. The amendments also were made to address the Examiner's contention that certain features of the present invention are not recited in the rejected claims. Reexamination and reconsideration of all of the pending claims are respectfully requested.

The Examiner has rejected claim 1, 4-8, 10-16, 18, 19 and 21-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,537,294 to Boyle et al., (the "Boyle patent"). Applicants, however, strongly disagree with the Examiner's characterization of the various components shown in the Boyle patent. While the Boyle patent does show a proximal strut assembly (34), Applicants note that this proximal strut assembly (34) is centered with respect to the strut assembly and remains centered within the body lumen once deployed. Specific reference is made to FIG. 6 of the Boyle patent which shows the expanded filter assembly placed within the body lumen with the proximal strut assembly centered, not offset, within the body vessel.

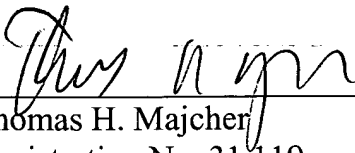
The Examiner indicated in the Office Action that the features which Applicants rely on (i.e. the proximal strut assembly being offset from the distal strut assembly) are not recited in the rejected claims. Applicants believe that these features were adequately recited in the original claim; however, Applicants have amended the claims with language that should adequately reflect this feature. The amendments to the pending claims specify that the proximal strut assembly extends substantial along the outer periphery of the cage in a parallel relation with the longitudinal axis defined by the strut assembly when the expandable cage is placed in the expanded position. This particular arrangement of elements is not shown in the Boyle patent. The use of an offset proximal strut assembly provides a virtually unobstructed opening leading to the expanded filter member. Reference is made to FIG. 5 of Applicants drawings which show the proximal struts (42) arranged at the outer periphery of the cage in a parallel relationship along the longitudinal axis of the cage to form a virtually unobstructed opening (48) for the filter element (26). The Boyle patent does not show this particular arrangement of its strut assemblies. Accordingly, Applicants respectfully request the Examiner to withdraw the Boyle patent as an anticipatory reference.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request  
that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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